

CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
JUNE 27, 2003
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for and in the absence of J. Clark Kelso, Interim Director, Department of General Services, Chairperson, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, May 23, 2003, at 10:00 a.m. Present were Board members David Rosenberg, Senior Advisor to the Governor, the Governor's Office, and Windie Scott, Deputy Controller, acting for and in the absence of Steve Westly, Controller.

Jackie Wilson motioned to have Mr. Rosenberg act as Presiding Officer for the June 27, 2003, meeting.

The Board meeting commenced with the pledge of allegiance.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Steve Hall, Manager, Government Claims Program. Also in the audience were Pete Williams, DEO of the Victim Compensation Program and Carole Fieldhouse, DEO of Administration. Sandy Davidson, Acting Board Liaison, recorded the meeting.

EXECUTIVE OFFICER REPORT

Catherine Close, Interim Executive Officer, discussed the Executive Officer's Report, after first advising that the cost containment measures that the Board initiated in January have reduced projected payments by approximately \$22 million. 67% of that reduction can be attributed to a decrease in rates adopted by the Board. Mental Health Session Limitations have resulted in significant savings. Because provider bills typically come in three to six months after treatment, the Program is just beginning to see the impact of the mental health session limitations. There was a transition group of approximately 12,500 victims, who at the time the session limits became effective had received treatment over the amount of the session limits, and as of June 26 only 974 of those have requested additional treatment. This is significantly fewer than would have continued in treatment prior to the session limitations. Consequently, this transition group will result in savings of approximately \$31 million; however, this savings will be realized over several years. If this group is indicative of what will happen in the future, there will be annual savings of \$15 million. David Rosenberg directed staff to issue a press release to indicate the condition of the fund and highlight the Board's actions to address the fiscal situation.

Legislation to increase the minimum restitution fine is moving through the Legislature; however, it was amended in the Senate to condition an increase in the minimum fine on a defendant's ability to pay. Staff is concerned this will effectively negate the impact of the fine increase, so it will be monitored very closely. David Rosenberg suggested that staff work with the Judicial Council to help us communicate with the judges. The Revenue Recovery Division will have a public relations campaign for the judges and the district attorneys ready to go as soon as the legislation is signed, encouraging them to increase restitution fines.

The first Federal Grant received to provide assistance to victims and survivors of the September 11, 2001, terrorist attacks has successfully concluded. A second grant continues peer support services in 2003 for family members of September 11th victims, including regional meetings in Northern California and Southern California.

Bids were received for the new claims management system. The target date for completion and implementation of the new system is July 2004.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims portion of the meeting at 10:15 a.m.

Item 1 CLAIMANT: Paul J. and Rose Klyder G521425

After discussion, the Board voted to continue the claim.

Item 2 CLAIMANT Greg Owens Construction G535297

After discussion, the Board voted to adopt the staff recommendation to allow the claim pursuant to Government Code section 965.

Item 3 CLAIMANT Stealth Security Services, Inc. G533856

After discussion, the Board voted to adopt the staff recommendation to allow the claim pursuant to Government Code section 965.

OTHER BUSINESS

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated June 27, 2003, with the following changes: Item Nos. 1, 3, 4, 5 and 6, G500813 for John Crane; G515100 for Keith Humphrey; G515424 for State farm Insurance; G515513 for Wilson W. Walstron; and G521017 for Anthony Sabri Mustafa; Item No. 238, G533998 for Ronald and Joyce Willemsen, continue these claims at staff's request. Item No. 238, G531729 for Wally A. Gramraoui, claimant wishes to submit additional information for staff's consideration. Item No. 408, G535579 for R. B. Spencer, Inc., is referred to a Claims Examiner at claimant's request. Item No. 532, G536208 for Karen Diane Givens, claimant will amend the dollar amount on her claim.

The Board voted to adopt the staff recommendation to approve the extension of delegated authority under Government Code section 935.6 to the California Highway Patrol.

The Board voted to adopt the staff recommendation to approve the extension of delegated authority under Government Code section 935.6 to the California Department of Corrections for three (3) years.

After review and discussion, the Board voted to adopt the staff recommendation to approve the Applications for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq.

Staff presented a recommendation to approve organizations applying to participate in the 2003 California State Employees' Charitable Campaign. Marlene Dederick reported that each organization's brochure has a disclaimer indicating that the Board does not endorse any of the organizations listed. She indicated that she has made sure that each organization had filed the proper IRS form for charitable organizations and compared all the names to ensure that none was a known terrorist organization. After discussion, the

Board voted to approve the three staff recommendations with regard to the charitable organizations item. Board member Jacquelyn Wilson stated that the Board should analyze the cost of staff time associated with this endeavor and seek legislation to see that staff is compensated for this project.

The Pledge Form for the 2003 California State Employees' Charitable Campaign was presented with slight modifications. After review and discussion, the Board voted to adopt the staff recommendation to approve the Pledge Form.

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|----|---------------------------------|--------|--------------|
| A. | Total claims awarded on consent | 83 | \$182,020.84 |
| | To be paid under GC § 965 | 26 For | \$113,424.45 |
| | To be paid under claims bill | 60 For | \$68,596.39 |
| B. | Claims rejected on consent | 631 | |

The Government Claims hearing was adjourned **at 10:35 a.m.**

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Executive Officer at 10:37 a.m. to deliberate on the proposed decisions that were taken under submission during the meeting. Also in attendance was Judith A. Kopec, Supervising Staff Counsel.

The Board reconvened into an open session at **10:55 a.m.**

PROPOSED DECISIONS

Item 1 **CLAIMANT** **2003-01**

The Board voted to continue consideration of the proposed decision.

Item 2 **CLAIMANT** **179525V**

The Board voted to continue consideration of the proposed decision.

Item 3 **CLAIMANT** **221921V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANTS** **547381V**

The Board voted to adopt the proposed decision.

Item 5 **CLAIMANT** **578262V**

The Board voted to adopt the proposed decision.

Item 6 **CLAIMANT** **598301V**

The Board voted to adopt the proposed decision.

Item 7 **CLAIMANT** **606326V**

The Board voted to adopt the proposed decision.

Item 8 **CLAIMANT** **619932V**

The Board voted to adopt the proposed decision.

Item 9 **CLAIMANT** **625450V**

The Board voted to adopt the proposed decision.

Item 10 **CLAIMANT** **675222V**

The Board voted to adopt the proposed decision.

Item 11 **CLAIMANT** **676566V**

The Board voted to adopt the proposed decision.

Item 12 **CLAIMANT** **677162V**

The Board voted to adopt the proposed decision.

- Item 13 **CLAIMANTS** **701149V**
The Board voted to adopt the proposed decision.
- Item 14 **CLAIMANT** **708288V**
The Board voted to adopt the proposed decision.
- Item 15 **CLAIMANT** **709324V**
The Board voted to adopt the proposed decision.
- Item 16 **CLAIMANTS** **711503V**
The Board voted to modify the proposed decision to clarify that the application is denied because of the applicant's involvement in the events leading to the qualifying crime and not for failure to cooperate with law enforcement.
- Item 17 **CLAIMANT** **712137V**
The Board voted to adopt the proposed decision.
- Item 18 **CLAIMANT** **716510V**
The Board voted to adopt the proposed decision.
- Item 19 **CLAIMANTS** **720875, 720878, 720880 and 720882V**
The Board voted to adopt the proposed decision.
- Item 20 **CLAIMANTS** **724082, 724106V**
The Board voted to adopt the proposed decision.
- Item 21 **CLAIMANT** **727053V**
The Board voted to continue the claim.
- Item 22 **CLAIMANTS** **731151V**
The Board voted to continue this supplemental application.
- Item 23 **CLAIMANT** **732146V**
The Board voted to adopt the proposed decision.
- Item 24 **CLAIMANT** **619932V**
The Board voted to adopt the proposed decision.
- Item 25 **CLAIMANT** **735969V**
The Board voted to adopt the proposed decision.
- Item 26 **CLAIMANT** **738322V**
The Board voted to adopt the proposed decision.
- Item 27 **CLAIMANT** **738986V**
The Board voted to adopt the proposed decision.
- Item 28 **CLAIMANT** **739895V**
The Board voted to adopt the proposed decision.

Item 29 **CLAIMANTS**

740993, 940995V

The Board voted to adopt the proposed decision.

Item 30 **CLAIMANT**

744885V

The Board voted to remand this matter to the Hearing Officer to identify the qualifying crime.

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and action on claims for which a hearing was denied under California Code of Regulations, title 2, section 647.20.1.

REQUESTS FOR RECONSIDERATIONS

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations, except No. 31, which was granted a hearing:

| | |
|----------|---------|
| CLAIMANT | 636845V |
| CLAIMANT | 693504V |
| CLAIMANT | 735789V |
| CLAIMANT | 554979V |
| CLAIMANT | 753747V |
| CLAIMANT | 724909V |
| CLAIMANT | 763264V |
| CLAIMANT | 711121V |
| CLAIMANT | 747013V |
| CLAIMANT | 722002V |
| CLAIMANT | 453865V |
| CLAIMANT | 746376V |
| CLAIMANT | 744675V |
| CLAIMANT | 753601V |
| CLAIMANT | 680073V |
| CLAIMANT | 719907V |
| CLAIMANT | 755771V |
| CLAIMANT | 674278V |

MISCELLANEOUS ITEMS

The Board voted to adopt the May 23, 2003 Board Meeting Minutes.

The Board reconvened into open session at 11:00 a.m.

Michael Siegel spoke at the public comment period of the meeting. He addressed four items of concern: (1) a victim of multiple crimes by the same perpetrator should be able to take advantage of increased benefits that may be available to later crimes; (2) the Board could defer payment if there is an associated workers' compensation claim until the workers' compensation claim is resolved; (3) the law does not allow the Board to prioritize payments to victims and not pay providers and the Board may be holding an unnecessarily high reserve to cover administrative costs; and (4) since the Board is allowing providers to initiate a request for additional mental health treatment under the service limitations, the provider should be allowed to appeal the Board's decision on the request.

The meeting was adjourned at 11:25 a.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sandy Davidson
Legal Secretary

(Affix seal here)